

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL NOTE**

HB 2428 - SB 2809

March 8, 2022

SUMMARY OF BILL: Enacts the Tennessee Earning Safe Reentry Through Work Act. Authorizes eligible probationers or parolees who maintain eligible employment to accrue 30 work for time credits for every 30-day period in which the person maintains eligible employment and provides supporting documentation. Establishes a work for time credit is a credit equal to a one-day reduction in a probationer's sentence.

Requires the supervising officer to enter the supporting documentation into and record the person's accrual of all work for time credits in the offender management system within five working days of verifying the person's eligible employment. Establishes a person forfeits all work for time credit previously accrued upon revocation of probation or parole or a new criminal conviction.

Authorizes a person on community supervision to use remote reporting to report to a probation and parole officer for a meeting that is required as a condition of probation, if approved by the probation and parole officer or the court.

Effective January 1, 2023.

FISCAL IMPACT:

The fiscal note has been updated to correct an error regarding recurring increase in state expenditures.

(CORRECTED)

Increase State Revenue – \$1,000,000/FY22-23/Strategic Technology Solutions

Increase State Expenditures –

\$1,551,600/FY22-23/General Fund

\$1,001,300/FY23-24 and Subsequent Years/General Fund

Other Fiscal Impact – The proposed legislation may lead to a decrease in state revenue related to a reduction in monthly probation and parole fees and a decrease in state expenditures associated with probationers and parolees decreased terms of probation due to earned work for time credits. However, the extent and timing of any such decreases cannot be quantified with reasonably certainty.

HB 2428 - SB 2809 (CORRECTED)

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-28-201(a)(1) an offender under the supervision of the DOC, and based on the person's ability to pay, is required to contribute \$15.00 per month toward the cost of the person's supervision and rehabilitation, to be deposited in the DOC's Supervision and Rehabilitation Fund.
- Tennessee Code Annotated § 40-28-201(a)(3)(B) further requires probationers and parolees to pay a monthly fee of \$30 to be deposited in the Criminal Injuries Compensation Fund (CICF).
- The proposed legislation may result in a decrease in the amount of time a probationer or parolee spends on probation or parole. As such, there will be a decrease in state revenue received from probationer and parolee monthly fees.
- However, due to multiple unknown factors, such as the number of offenders that will participate in work for time credit, the amount of accrued time credits an offender will earn in any given month, and the number of offenders that lose work for time credit previously accrued upon revocation of probation or parole or a new criminal conviction, the extent and timing of any such decreases cannot be determined with reasonable certainty.
- Based on information provided by the DOC, the proposed legislation cannot be accommodated within existing resources. The DOC will require 17 Administrative Services Assistant II positions, one in each district office, to ensure accurate records are maintained, answer offender questions, and follow up on sentence corrections.
- There will be a one-time increase in state expenditures estimated to be \$51,000 [(\$1,500 computer costs + \$1,500 training) x 17 positions] in FY22-23.
- There will be a recurring increase in state expenditures estimated to be \$1,001,266 {[((\$39,192 salary + \$13,436 benefits + \$1,200 travel + \$1,000 supplies + \$4,070 professional services) x 17 positions)]. Due to the effective date of the proposed legislation, the increase in expenditures is estimated to be \$500,633 (\$1,001,266 x 50.0%) in FY22-23 and \$1,001,266 in FY23-24 and subsequent years.
- The proposed legislation will necessitate changes to the offender management system, resulting in a one-time increase of state expenditures from the General Fund in FY22-23 estimated to be \$1,000,000 to pay for analysis, coding, and testing performed by the Department of Finance and Administration's Division of Strategic Technology Solutions (STS) and a corresponding one-time increase in revenue estimated to be \$1,000,000 to STS as payment for such work.
- The total increase in state expenditures in FY22-23 is estimated to be \$1,551,663 (\$51,000 + \$500,633 + \$1,000,000).
- The total increase in state expenditures in FY23-24 and subsequent years is estimated to be \$1,001,266.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid.

Krista Lee Carsner, Executive Director

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